

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

PATRICK RANDELL MCINTOSH,

Case No. 23-CV-1856 (NEB/LIB)

Plaintiff,

v.

ORDER ACCEPTING REPORT AND
RECOMMENDATION

WARDEN JARED RARDIN, ASSISTANT
WARDEN, and ASSOCIATE WARDEN,

Defendants.

The Court has received the Report and Recommendation of United States Magistrate Judge Leo I. Brisbois. (ECF No. 28.) No party has objected to that Report and Recommendation, and the Court therefore reviews it for clear error. *See* Fed. R. Civ. P. 72(b); *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam). Finding no clear error, and based upon all the files, records, and proceedings in the above-captioned matter, IT IS HEREBY ORDERED THAT:

1. The Report and Recommendation (ECF No. 28) is ACCEPTED;
2. Defendants' Motion to Dismiss, (ECF No. 11), be GRANTED in part and DENIED in part; and
3. Plaintiff's Complaint be DISMISSED without prejudice as moot.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: June 17, 2024

BY THE COURT:

s/Nancy E. Brasel

Nancy E. Brasel

United States District Judge